



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:  
Thomas J. Edsall et al.

Serial No.: 09/593,566

Filed: June 14, 2000

For: MULTIPLE PACKET PATHS  
TO IMPROVE RELIABILITY  
IN AN IP NETWORK

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
November 6, 2000

“Express Mail” Mailing-Label Number: EL705755585US

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PETITION TO THE COMMISSIONER**

This PETITION TO THE COMMISSIONER is in response to the “Notice of Incomplete Non-Provisional Application” mailed August 14, 2000. The documents required by this Notice of Incomplete Non-provisional Application were resubmitted to the Patent Office on August 16, 2000, in response to a postcard filed on June 14, 2000 received from the USPTO with the stamp and hand written note “The PTO did not receive the following listed item(s) Specification 27 pages and Assignment”

The following documents are enclosed herewith:

11/13/2000 ETULU1 00000031 09593566

01 FC:122

130.00 0P

1. A copy of the Express mail deposit dated June 14, 2000, indicating that the Specification, Drawings, Declaration, and Assignment were filed on June 14, 2000.
2. A copy of the postcard dated June 14, 2000, and with the above noted stamp and hand written note.
3. A copy of the Specification (27 pages) as filed on June 14, 2000.
4. Copies of six drawings (7 pages) as filed on June 14, 2000.
5. A copy of the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION, referred to as "part two, copy to be returned with response", and mailed by the USPTO on August 14, 2000.

In support of the curing of any defect in the filing by the mailing of August 16, 2000, the following additional copies of filed papers are enclosed.

6. EXPRESS MAIL DEPOSIT paper dated August 16, 2000, showing U. S. Post Office Mail Receipt EL056 746 252. This paper indicates that on August 16, 2000, the following were filed with the USPTO:
  - A. Copy of Postcard dated June 14, 2000
  - B. Assignment and stamped recordation cover sheet

C. Specification (27 pages)

D. 6 Drawings (7 pages)

E. Response to Note on Postcard and Response to Notice of Non-  
Recordation of Document

7. Copy of U. S. Post Office Express Mail Receipt EL056 746 252 showing deposit on August 16, 2000, by the Official U. S. Post Office stamp.
8. Copy of postcard mailed to USPTO on August 16, 2000, showing mailing of the documents mentioned on the EXPRESS MAIL DEPOSIT paper mentioned in item six (6) above. Applicant has apparently not received the return postcard from the USPTO.

**REMARKS**

Applicant respectfully urges that all defects mentioned in the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION mailed August 14, 2000, were cured by the filing on August 16, 2000.

Further, Applicant respectfully urges that the filing date of June 14, 2000, be awarded to the above captioned U. S. Patent Application, as all requirements of 35 USC § 21, and of the rules at 35 CFR 1.8 have been met, as shown by the EXPRESS MAIL DEPOSIT dated June 14, 2000, and the returned postcard showing receipt by the USPTO

of the June 14, 2000, package; and also the U. S. Post Office Express Mail Receipt dated August 16, 2000, the EXPRESS MAIL DEPOSIT paper filed August 16, 2000, and the substitute Specification and Drawings filed on August 16, 2000.

A substitute copy of the Assignment, along with a Recordation Cover Sheet is enclosed for recording, along with a check in the amount of \$ 40.00 to cover the recordation fee.

A check in the amount of \$ 130.00 for the petition fee is enclosed herewith.

Applicant respectfully requests a refund of the petition fee as Applicant has shown that the Specification and Drawings were properly filed with the USPTO on June 14, 2000. Perhaps the Specification and Drawings were misplaced by the USPTO.

**RELIEF**

Applicant respectfully requests that a filing date of June 14, 2000 be assigned to the above captioned U.S. Patent Application.

If the June 14, 2000 date cannot be assigned for any reason, applicant respectfully requests that a filing date of August 16, 2000 be assigned, on the basis of the substitute specification and drawings filed on August 16, 2000.

Please charge any additional fee occasioned by this paper, or credit any refund, to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, reading "A. Sidney Johnston". The signature is written in black ink and is positioned above the printed name and address.

A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
617 951-2500



PATENTS  
112025-0195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:  
Thomas J. Edsall et al.

Serial No.: Not Yet Assigned

Filed: <FilingDate >

For: MULTIPLE PACKET PATHS TO  
IMPROVE RELIABILITY IN AN IP  
NETWORK

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Cesari and McKenna, LLP  
30 Rowes Wharf  
Boston, MA 02110  
June 14, 2000

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EL056746116US

The following papers are being deposited with the United States Postal Service

“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

X Patent Application ( 27 pages including 13 claims )

X Oath or Declaration

X Check No. for \$690

X Check in the amount of \$40.00 for  
Assignment Fee

X Fee Transmittal Letter

X Letter to Official Draftsman

X Post Card

X Assignment and Recordation Sheet

Item #1

Date Due: 6/14/00  
Date Mailed: 6/14/00  
Date Filed: <

Inventor(s): Thomas J. Edsall et al.

Title: MULTIPLE PACKET PATHS TO IMPROVE RELIABILITY IN AN IP NETWORK

File No.: 112025-0195

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Honorable Commissioner of Patents and Trademarks: We are forwarding herewith:

☒ Patent Application ( 27 pages including 13 claims )

☒ Oath or Declaration

☒ Assignment With Recordation Form Cover Sheet

☒ Check No. for \$690

☒ Express Label No. EL056746116US

☒ Fee Transmittal Letter

☒ Formal Drawing ( 7 sheets )

☒ Letter to Official Draftsman

☒ Check in the amount of \$40 for Assignment Fee

Kindly have the mail room stamp this card and return it to us so that we may know that the above mentioned papers were duly received.

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CESAR Land-McKENNA, P

The PTO did not receive the following  
listed item(s) Specification 27

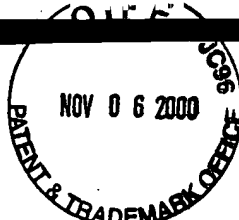
pages and Assignment

ITEM #2

JCS20 U.S. PTO  
09/593566  
06/14/00

NOV 08 2000  
PATENT & TRADEMARK

JUL 0 5 2000  
CESAR & MCKENNA



FORMALITIES LETTER



\*OC000000005321702\*



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/593,566	06/14/2000	Thomas J. Edsall	112025-0195

A Sidney Johnston  
Cesari and McKenna  
30 Rows Wharf  
Boston, MA 02110

Date Mailed: 08/14/2000

**NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

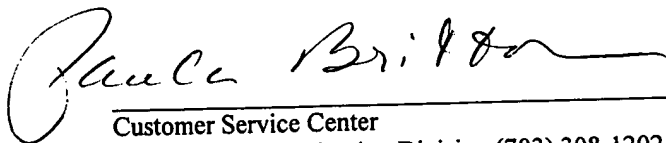
A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.
  - The specification does not include at least one claim.
- A complete specification including at least one claim as prescribed by 35 U.S.C. 112 is required.*

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

*ITEM # 5*





PATENTS  
112025-0195

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In Re The Application of:	)	
Thomas J. Edsall et al.	)	
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Serial No.: 09/593,566	)	Examiner: Not Yet Assigned
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	)	Art Unit: Not Yet Assigned
For: MULTIPLE PACKET PATHS TO	)	
IMPROVE RELIABILITY IN AN IP	)	
NETWORK	)	
	)	

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
August 16, 2000

**EXPRESS-MAIL DEPOSIT**

"Express Mail" Mailing-Label Number: EL056746252US

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ITEM #6

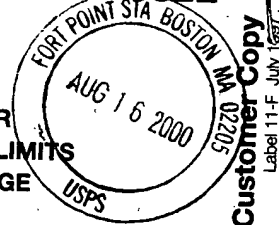
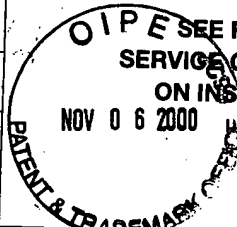
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\*EL056746252US\*

POST OFFICE TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code 02205	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	
Date In 8/16/00	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 15.75	
Time In 6:00 PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Weight 9.1 lbs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials BT	Total Postage & Fees \$ 15.75	



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Federal Agency Acct. No. or Postal Service Acct. No.	<input type="checkbox"/> <b>WAIVER OF SIGNATURE</b> (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery. <input type="checkbox"/> <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
<b>FROM: (PLEASE PRINT)</b> 112025-0195 A. Sidney Johnston CESARI & MCKENNA 30 ROWES WHARF 5TH FLOOR BOSTON MA 02110-3326 PHONE (617) 951-2500	<b>TO: (PLEASE PRINT)</b> For Patent Assignment ASST. COMMISSIONER FOR PATENTS WASHINGTON DC 20231-0000 Customer Signature

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ITEM# 7

Date Due: 8/16/00  
Date Mailed: 8/16/00  
Date Filed: 6/14/00

File No.: 112025-0195  
Serial No.: 09/593,566  
Group Art Unit: Not Yet Assigned

Inventor(s): Thomas J. Edsall et al.

Title: MULTIPLE PACKET PATHS TO IMPROVE RELIABILITY IN AN IP NETWORK

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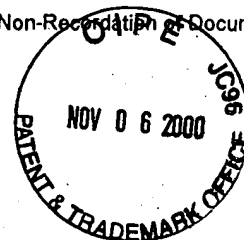
Kindly have the mail room stamp this card and return it to us so that we may know that the above mentioned papers were duly received.

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**CESARI and McKENNA, LLP**

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With Express Certificates of Mailing



*Item #8*